

Implementation

The Administering Agency implements the transportation enhancement activity project after the date it is approved for inclusion in the Federal State Transportation Improvement Program (FSTIP).

The following procedures are a very brief overview of the procedures described in the Caltrans Local Assistance Procedures Manual, available on the internet at www.dot.ca.gov/hq/LocalPrograms/public.htm. It is *imperative* for applicants to be familiar with these procedures and to be prepared to initiate and complete each project phase in accordance with federal and state laws and regulations, as extensive Caltrans oversight is not available. References are made in the following text to the Manual.

Implementation – A Phased Process

Administration agencies must receive Authorization to Proceed before reimbursable work can begin in each phase (Chapter 3, “Project Authorization”). Enhancement projects have up to three phases; not all projects include all phases:

- 1) Preliminary engineering,
- 2) Right of way [acquisition], and
- 3) Construction.

The administering agency has one primary contact at Caltrans, a Local Assistance Engineer at the district where the project resides.

Briefly, the administering agency follows the Local Assistance Procedures Manual and works with the Local Assistance Engineer to fulfill these responsibilities:

- + Complete field review form, Chapter 7 “Field Review”
- + Execute agreements with Caltrans, Chapter 4 “Agreement”
- + Comply with all applicable federal, state, and local laws, rules and regulations, including environmental requirements in executing the project, Chapter 6 “Environmental Procedures”, and
- + Submit final reconciliation invoice and report (Chapter 17 “Project Completion”)

Preliminary Engineering Phase – Environmental Documentation

TEA projects must meet the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) and all

other relevant federal environmental requirements. The District Local Assistance Engineer will coordinate the administering agency's early and ongoing contact with the Caltrans District Environmental Branch. The administering agency should complete the Preliminary Environmental Study form prior to contacting the Local Assistance Engineer about environmental documentation (Chapter 6, "Environmental Procedures").

The administering agency must comply with NEPA and other federal environmental requirements for all federal-aid projects. The other requirements include:

- + Each enhancement project must be evaluated to determine if Section 4(f) applies. Specific documentation and procedural requirements involving FHWA and other federal agencies must be followed. Section 4(f) of the Department of Transportation Act of 1966 applies when a proposed project will result in the use of land in a publicly owned park, recreation area, or wildlife and waterfowl refuge, or any significant historic site. Such a use may not occur unless there is adequate documentation that there is no prudent and feasible alternative to the use of the land in the property, and the action includes all possible planning to minimize harm to the property resulting from such use.
- + The administering agency will be responsible for assessing the potential for impact. Section 7 of the Endangered Species Act of 1973 requires federal agencies to consult with the U.S. Fish and Wildlife Service (National Marine Fisheries Service, if applicable) if a federally-funded project may affect a listed endangered species or critical habitat of an endangered species.
- + The administering agency will be responsible for preparing any documentation necessary to fulfill these requirements. Section 106 of the National Historic Act of 1966 provides authority for the protection of historic and cultural properties. Section 106 requires federal agencies to take into account the effects of any federally-funded project on National Register listed or eligible properties and consult with the State Historic Preservation Officer and the Advisory Council on Historic Preservation as appropriate pursuant to Title 36 Code of Federal Regulations 800. The "106" process can be completed in two months to two years or more, depending on the type of project, impact on the historic property and mitigation measures required to protect the historic property.
- + The administering agency is required to delineate wetlands, identify impacts and evaluate avoidance alternatives in the environmental phase of project development. Executive Order 11990, "Protection of Wetlands", May 24, 1977 requires federal agencies to make a wetlands finding which determines whether or not there is a practicable alternative to construction located in wetlands, whether all practicable measures to minimize harm to

the wetlands have been included in the federal action, taking into account all economic, environmental, and other pertinent factors that have a bearing on practicability. The administering agency is required to obtain a 404 permit prior to advertisement for construction. This law and the Section 404 permit program of the Clean Water Act of 1977 play an important part in the preliminary engineering phase. Timing of the field review should be arranged usually in late winter, spring, or early summer to identify wetlands plant species.

- + If a project encroaches into the floodplain, the administering agency is responsible for all studies necessary to support a finding, if necessary. Executive Order 11991, Floodplain Management, May 24, 1977 applies to projects in the floodplain. It requires that FHWA make a "Only Practicable Alternative Finding" if a federally funded project will encroach upon the base (100-year) floodplain.
- + The administering agency will be required to prepare any other studies necessary to comply with any other federal statutes or executive orders commensurate with the anticipated impacts of the project.

Required mitigation and permits will be incorporated into the final construction documents (plans, specifications and estimate). See Chapter 6 "Environmental Procedures".

Preliminary Engineering – Construction Documents – Design Standards & Reviews

Instructions for preparing project construction documents are contained in Chapter 12 "Plans, Specifications and Estimates" in the Caltrans Local Assistance Procedures Manual.

As a minimum, transportation enhancement activities will use American Association of State Highway and Transportation Officials (AASHTO) standards where applicable, Caltrans standards for bikeways or when an encroachment permit is required on a Caltrans facility, and the California Uniform Building Code whenever it applies. The Caltrans Highway Design Manual, which contains bikeway design standards, is available on the internet at www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm.

Right of Way (Acquisition) Phase

The administering agency should contact Caltrans District Local Assistance prior to any right of way activities. Violation of right of way provisions can jeopardize federal funds for acquisition and construction.

Whenever federal funds will be used in any phase of the project, the acquisition of real property is subject to the provisions of the Uniform Relocation

Assistance and Real Property Acquisition Policies Act of 1970 as amended, no matter if carried out by private parties or by federal, state or local agencies.

When the acquisition of real property qualifies for the voluntary sale provisions of the Act, no relocation assistance payments are to be provided to the grantor(s) being displaced from the property because of the project.

Tenants being displaced because of the project are entitled to all relocation assistance benefits under the Act. Grantor(s) being displaced from the property due to the project are entitled to all relocation assistance benefits under the Act, when the acquisition does not meet the requirements for a voluntary sale.

Administering agencies should allow three weeks for acquisition checks to be put into escrow. The program supplemental agreement must give Caltrans the authority to pay into escrow, and indicate to whom the check should be made payable.

Construction Phase

The construction phase steps generally include:

- + Authorization to Proceed, Chapter 15 "Advertise and Award Project"
- + Project advertising, Chapter 15 "Advertise and Award Project"
- + Bid opening, Chapter 15 "Advertise and Award Project"
- + Award, Chapter 15 "Advertise and Award Project"
- + Daily reporting, Chapter 16 "Administer Construction Contracts"
- + Labor compliance, Chapter 16 "Administer Construction Contracts"
- + Contract change orders, Chapter 16 "Administer Construction Contracts",
and
- + Project completion and final invoicing, Chapter 17 "Project Completion".